AO 441 (Rev. 9/00) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

PLAINTIFF
ALLIANZ GLOBAL RISKS U.S. INSURANCE COMPANY, as subrogee of Buffets Holdings, Inc.

THIRD PARTY SUMMONS IN A CIVIL ACTION

V. DEFENDANT AND THIRD PARTY PLAINTIFF

NOVAK CONSTRUCTION COMPANY, an Illinois corporation,

CASE NUMBER: **07 C 7149**

ASSIGNED JUDGE: **Samuel Der-Yeghiayan**

DESIGNATED MAGISTRATE JUDGE:

V. THIRD PARTY DEFENDANT

RESTAURANT SPECIALTIES, INC., KIEFFER & CO., INC. and AERO ELECTRIC & COMMUNICATIONS,

To: Name and address of Third Party Defendant

Aero Electric & Communications
5783 Candover Road
Loves Park, IL 61111
Registered Agent: Shawn W. Bibby

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this court and serve upon

PLAINTIFF'S ATTORNEY (name and address)
Matthew S. Ponzi/Megan E. Ritenour
Foran Glennon Palandech & Ponzi, PC
150 S. Wacker Drive-#100
Chicago, IL 60606

Christina L. Pawlowski
Denenberg Tuffley, PLLC
21 East Long Lake Road - Suite 200
Bloomfield HIlls, MI 48304

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY (name and address)

Timothy R. Couture
Johnson & Bell, Ltd.
33 West Monroe Street - #2700
Chicago, IL 60603

an answer to the third-party complaint which is herewith served upon you within 20 days after the service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.

MICHAEL W. DOBBINS, CLERK

APR 2 5 2008

(By) DEPUTY CLERK

DATE

CERTIFICATE OF SERVICE

The undersigned, Timothy R. Couture, hereby certifies that he caused the Affidavit of Special Process Server to Aero Electric to be electronically filed with the CMT System for the United States District Court for the Northern District of Illinois and service was accomplished pursuant to the ECF for Filing Users on this 2nd day of June, 2008.

/s/Timothy R. Couture

AFFIDAVIT OF SPECIAL PROCESS SERVER

Allianz Global vs. Novak Construction etal 07 C 7149
Plaintiff/Petitioner vs. Defendant/Respondent Case No. #

Being duly sworn on my oath, I Anthony Ortolano
declare that I am a citizen of the United States, over the age of eighteen and not a party to this action.

SERVICE

served Aero Electric
NAME OF PERSON/ENTITY BEING SERVED

DOCUMENTS Third Party Summons & Complaint

by serving (NAME) Mr Bibby
at ☒ Home 5783 Candover Rd. Loves Park, Il
☐ Business
☒ on (DATE) 5-19-08 at (TIME) 12:10 p.m.

Thereafter copies of the documents were mailed by prepaid first class mail on (DATE) ______
from (CITY) ______ (STATE) ______

MANNER OF SERVICE

☒ By Personal Service.
☐ By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof, namely ______.
☐ By leaving copies at the usual place of abode of the person being served, with a member of the family of suitable age and explaining the general nature of the papers, namely ______.
☐ By posting copies in a conspicuous manner to the address of the person/entity being served.

NON-SERVICE

After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s): ______

SERVICE ATTEMPTS

Service was attempted on: ( ) ______ DATE TIME ( ) ______ DATE TIME
( ) ______ DATE TIME ( ) ______ DATE TIME ( ) ______ DATE TIME

PHYSICAL DESCRIPTION

	RACE	AGE	HEIGHT	WEIGHT	HAIR
☒ Male ☐ Female	white	42	5-11	200	Dark

State of Illinois County of Cook

Subscribed and sworn to before me
Notary public, this 22 day of May 20 08

"OFFICIAL SEAL"
MICHELLE YANOFF
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 6/2/2010

[signature]
NOTARY PUBLIC

[signature]
SERVED BY

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RETURN OF SERVICE

07C7149

Service of the Summons and complaint was made by me[1]	DATE 5-20-08
NAME OF SERVER (PRINT) Anthony Okrocano	TITLE Process server

Check one box below to indicate appropriate method of service

G Served personally upon the third-party defendant. Place where 5783 Candover Rd. Loves Park, Il. Mr. Bibby m/w/ 42/5-11-200 BS Blue

G Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: ______

G Returned unexecuted: ______

G Other (specify): ______

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
87 miles	Serve D	150

DECLARATION OF SERVER

Executed on 5-20-08
Date

[signature]
Signature of Server

221 N. LaSalle ST 1100 Chgo Il 60601
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.